## IN THE UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF NORTH CAROLINA WESTERN DIVISION CASE NO. 5:11-cv-00167-BR

Rumualdo Lainez and Marvin Rivas	)	
Maldonado,	)	
	)	
Plaintiffs,	)	
	)	5:11-cv-00167-BR
v.	)	
	)	
Francisco Baltazar, Jr.,	)	
	)	
Defendant.	)	
	)	

## MOTION FOR DEFAULT JUDGMENT AGAINST DEFENDANT FRANCISCO BALTAZAR, JR.

In accordance with Rule 55(b) of the Federal Rules of Civil Procedure, Plaintiffs move this Court for default judgment and assessment of damages against Defendant Francisco Baltazar, Jr. ("Defendant") as set forth herein in the annexed proposed Order.

In support of this Motion, Plaintiff submits the attached Memorandum of Law in Support of Plaintiffs' Motion for Default Judgment and proposed Order.

WHEREFORE, Plaintiffs respectfully request this Court grant Plaintiffs' Motion for Default Judgment and enter an order:

a. finding that the Defendant violated Plaintiffs' rights under the FLSA, TVPA,
AWPA, and the NCWHA;

b. entering judgment against Defendant for Plaintiff Lainez's claims under the

FLSA, TVPA, AWPA, and the NCWHA in the amount of \$4,683.00 to be

paid to Plaintiff Lainez, plus interest from the date of this judgment until paid;

c. entering judgment against Defendant for Plaintiff Rivas Maldonado's claims

under the FLSA, TVPA, AWPA, and the NCWHA in the amount of

\$4,515.00 to be paid to Plaintiff Lainez, plus interest from the date of this

judgment until paid;

d. ordering Defendant report the labor that Plaintiffs performed for him in 2009

to the Social Security Administration; and

e. awarding Plaintiff's counsel, Legal Aid of North Carolina, Inc., \$8,471.75 for

reasonable attorneys' fees and costs.

This 4th day of December, 2012.

Respectfully Submitted,

/s/ Caitlin Ryland

State Bar No. 38472

Email: Caitlinr@legalaidnc.org

Legal Aid of North Carolina Farmworker Unit

P.O. Box 26626

Raleigh, NC 27611

Telephone: (919) 856-2180

Fax: (919) 856-2187 Attorney for Plaintiffs